



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,953	07/05/2007	Kenji Hyodo	450106-05232	8332

7590 03/16/2011
William S. Frommer
Frommer Lawrence & Haug
745 Fifth Avenue
New York, NY 10151

EXAMINER

DUNN, MISHAWN N

ART UNIT	PAPER NUMBER
----------	--------------

2484

MAIL DATE	DELIVERY MODE
-----------	---------------

03/16/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/559,953	Applicant(s) HYODO ET AL.	
	Examiner MISHAWN DUNN	Art Unit 2484	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>12/05, 7/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13 and 14 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 13 is drawn to functional descriptive material recorded on a program record medium. However, in the state of the art, transitory signals are commonplace as a medium for transmitting computer instruction and thus, in the absence of any evidence to the contrary and give the broadest reasonable interpretation, the scope of a "program record medium" covers a signal per se."

Claim 14 defines a program embodying functional descriptive material. However, the claim does not define a non-transitory computer-readable medium or memory and is thus non-statutory.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear as to how the clip is reproduced

according to the header size if the header size is removed. Claims 10 and 11 are rejected based on the examiner's interpretation, which is the reproduction of the clip according to the header size information.

35 USC § 112 6th Paragraph

3. The examiner notes that claim 19 recite "means plus" function language, thus the claim has been rejected in view of the specification describes what the "means" entails and equivalents thereof.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over David et al. (US Pub. No. 2002/0131764) in view of Takagi et al. (US Pub. No. 2003/0085997) in further view of Kuba et al. (US Pat. No. 5,806,072).

6. Consider claim 9. David et al. teaches an information process apparatus that manages data recorded on a record medium (abstract), the data being composed of a header and a body (paras. 0052-0055), the information process apparatus comprising: reproduction information obtainment means for obtaining reproduction information necessary to reproduce the data when the body is recorded (para. 0003); management

Art Unit: 2484

file generation means for generating a first management file that manages each clip of data that compose the clip recorded on the record medium (paras. 0049 and 0050) with an identifier that uniquely identifies data that compose the clip (para. 0110), the first management file describing the reproduction information of data that compose the clip obtained by the reproduction information obtainment means, each clip being a predetermined structural unit of data (paras. 0049 and 0050); and management file registration means for registering management information of the clip (para. 0128), the management information being composed of the reproduction information of data that compose the clip to a second management file that totally manages the clip recorded on the record medium with an identifier that uniquely identifies data that compose the clip and information that represents the recorded position of data that compose the clip (abstract; paras. 0011-0016 and 0056-0058).

David et al. does not specifically teach registering management information. However, Takagi et al. teaches registering management information (abstract; para. 0179).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to register management information, in order to have a sequence of operations from acquisition, formulation until editing, transmission, and archiving.

Neither, David et al., nor Takagi et al., teaches data generation means for generating the header according to the reproduction information obtained by the reproduction information obtainment means and adding the header to the body so as to

Art Unit: 2484

generate the data; header information obtainment means for obtaining header size information of the data generated by the data generation means; and the header size information obtained by the header information obtainment means for each clip.

However, Kuba et al. teaches data generation means for generating the header according to the reproduction information obtained by the reproduction information obtainment means and adding the header to the body so as to generate the data (col. 6, lines 13-22; col. 23, lines 4-12; fig. 85); header information obtainment means for obtaining header size information of the data generated by the data generation means; and the header size information obtained by the header information obtainment means for each clip (col. 35, lines 1-4).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to generate generating the header according to the reproduction information obtained by the reproduction information obtainment means and add the header to the body so as to generate the data; to obtain header size information of the data generated by the data generation means; and the header size information obtained by the header information obtainment means for each clip, in order to easily store data.

7. Consider claim 10. Kuba et al. teaches the information process apparatus as set forth in claim 9, further comprising: first data information obtainment means for obtaining the header size information of data that compose the clip from the first management file generated by the management file generation means; second data information obtainment means for obtaining the header size information of data that compose the

Art Unit: 2484

clip from the second management file in which management information of the clip is registered by the management file registration means; and reproduction means for reproducing data that compose the clip from the position of which the header size is removed from the beginning of the data according to the header size information obtained by the first or second data information obtainment means (col. 23, lines 4-12; col. 35, lines 1-4).

8. Consider claim 13. Takagi et al., David et al., and Kuba et al. teach all claimed limitations as stated above. David et al. further teaches a program record medium on which a computer readable program is recorded (claim 37).

9. Consider claim 14. Takagi et al., David et al., and Kuba et al. teach all claimed limitations as stated above. David et al. further teaches a program causing a computer to execute an information process that manages data recorded on a medium (claim 38).

10. Claims 11 and 12 are rejected using similar reasoning as the corresponding claims above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/
Examiner, Art Unit 2484
March 14, 2011